

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

August 1, 2006

The installation of wireless telecommunications facilities (often known as cellular telephone towers) currently requires a conditional use permit in all zones and within public rights of way. However, there are no uniform standards addressing siting, safety, design or other important criteria. As a result, the process for installing these facilities is not as predictable or transparent as it should be. In 2002, the Board of Supervisors directed County Counsel and the Department of Regional Planning to work with interested parties and return to the Board for consideration of a wireless facilities ordinance to address these concerns. Since that time, representatives of the wireless industry have claimed that federal and state laws have placed limits on local government's ability to regulate these facilities, particularly within road rights of way.

Given this situation, the lack of response to the Board's 2002 action should be remedied immediately through development of a comprehensive policy regulating the installation of wireless telecommunication facilities. Such policy should be enacted in ordinance form and should provide that any future substantive changes must be enacted through a process that is open to both members of the public and other interested parties.

I, THEREFORE, MOVE that the Department of Regional Planning and County

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MOLINA _____

BURKE _____

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KNABE _____

ANTONOVICH _____

Counsel be directed to prepare within 30 days a draft “wireless telecommunications ordinance” for public hearing before the Regional Planning Commission that:

- 1) Maintains compliance with state and federal mandates;
- 2) Provides a predictable and transparent process for both the wireless industry and residents;
- 3) Maximizes the co-location of facilities wherever possible;
- 4) Ensures that all equipment is screened, located underground, or sited so as to minimize negative aesthetic impacts to the community to the maximum extent allowed by law;
- 5) Addresses to the maximum extent possible under federal and state laws the concerns of residents over the health effects of wireless facilities; and
- 6) Protects environmental resources from the effects of the installation of these facilities.